<p align="center">**Amendments to the Claims**</p>

Claims 1-9 (cancelled).

Claim 10 (currently amended): A method for playback of streaming media received over a non-deterministic delay network at a client device which comprises:

receiving the streaming media at the client device, which client device includes a CPU;

playing back the streaming media;

determining a measure of CPU availability;

determining a time-scale modification playback rate considering ~~one or more of~~ the measure of CPU availability and user input time-scale modification playback rate requests;

utilizing time-scale modification to prepare the streaming media for playback; and

providing an indication of a current time-scale modification playback rate to the user.

Claim 11 (previously presented): The method of claim 10 which further comprises:

providing an indication of a user requested time-scale modification playback rate.

Claim 12 (previously presented): The method of claim 10 wherein playing back comprises associating a time-scale modification playback rate with each entry in a playback buffer queue.

Claim 13 (previously presented): The method of claim 10 wherein the indication comprises a function of recent time-scale modification playback rates.

Claim 14 (previously presented): The method of claim 10 wherein the step of utilizing comprises ignoring or modifying the user input time-scale modification playback rate when it would interfere with providing continuous playback.

Claims 15-17 (cancelled).

Claim 18 (previously presented): A method for playback of streaming media received over a non-deterministic delay network at a client device which comprises:

receiving the streaming media at the client device, which client device includes a CPU;

playing back the streaming media;

determining a measure of CPU availability;

determining a time-scale modification playback rate as a function of the measure of CPU availability; and

utilizing time-scale modification to prepare the streaming media for playback.

Claims 19-39 (cancelled).